

REMARKS

Reconsideration And Allowance Are Respectfully Requested.

Claims 1-7, 10-18 and 19-25 are currently pending. Claims 1, 10, 11, 12, 21 and 22 have been amended. Claims 8, 9, 19 and 20 have been canceled. New claims 24 and 25 have been added. No new matter has been added. Reconsideration is respectfully requested.

Applicant would first like to thank Primary Examiner Hoge for the courtesies extended during the interview conducted on November 15, 2004. During the course of this interview, the undersigned attorney discussed the prior art as it relates to the pending claims. In particular, U.S. Patent No. 6,574,896 to Howell (Howell) and U.S. Patent No. 2,409,814 to Vargish (Vargish) were discussed as they relate to pending claims 1-22. In addition, Vargish and U.S. Patent No. 2,162,025 to McClaughry (McClaughry) were discussed as they relate to claim 23. After discussing the prior art in substantial detail, the Examiner maintained his position regarding the patentability of the pending claims despite the arguments presented by Applicant's representatives during the interview.

With regard to the outstanding rejections, claims 1-8 and 12-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by Howell. In addition, claims 9-11 and 20-22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Vargish in view of Howell. Finally, claim 23 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Vargish in view of McClaughry. These rejections are respectfully traversed in view of the preceding amendments and the remarks which follow.

In particular, claims 1 and 12 have been amended so as to define a picture frame and a method for manufacturing a picture frame wherein the picture frame includes a one piece,

substantially transparent support member adapted for supporting a picture such that one may view the picture through the support member. The support member includes a first side and a second side wherein the second side is opposite the first side. The support member further includes a bottom portion functioning as a base member for the picture frame, an upper portion functioning as a clip member supporting a picture adjacent the second side of the support member in a manner permitting viewing of the picture through the support member and a central portion functioning as the frame portion of the picture frame.

In addition, the picture frame includes a first image formed along the first side of the support member and a second image formed along the second side of the support member. The second image is formed about an entire periphery of the second side of the support member so as to define a border shaped and dimensioned for positioning a picture therein for viewing from the opposite side of the support member.

In contrast to the claimed invention, Howell discloses a traditional picture frame including ornamentation along the front and rear sides of a glass plate 12. The glass plate 12 is thereafter secured to a frame back 14 having a support member secured thereto. The picture frame disclosed by Howell is highly cumbersome and rather expensive to manufacturer. The picture frame includes multiple parts which are not easily assembled and must be manufactured utilizing different manufacturing procedures. As such, Howell fails to disclose the claimed one-piece, substantially transparent support member including a bottom portion, an upper portion and a central portion.

The Office Action attempts to remedy this deficiency by citing the picture frame disclosed by Vargish. While Vargish does disclose a one-piece picture frame, Vargish fails to disclose the claimed ornamentation. With this in mind, it is Applicant's opinion that it would not have been

obvious to modify Howell based upon the disclosure of Vargish. Applicant's opinion is based upon the fact that Vargish and Howell relate to very different picture frame structures and neither Howell nor Vargish appreciate the benefits of the others design. In fact, Applicant is the first to appreciate the ornamentation produced through the utilization of the first and second images as claimed in combination with the manufacturing efficiency possible through the utilization of a one-piece support member. Through implementation of Applicant's picture frame and manufacturing process, one is able to provide a continuous manufacturing procedure wherein images are formed along the first and second sides of a transparent support member which is thereafter molded and shaped for utilization as a picture frame.

It is, therefore, Applicant's opinion that the combination of Howell and Vargish is improper and Applicant respectfully requests that the rejection relating thereto be withdrawn. With regard to those claims dependent upon independent claims 1 and 12, they are believed to overcome the prior art of record for the reasons presented above with regard to independent claims 1 and 12.

With regard to claim 23, Applicant has claimed a picture frame including a substantially transparent support member adapted for supporting a picture such that one may view the picture through the support member. The support member includes a first side and a second side wherein the second side is opposite the first side. The support member further includes a central portion functioning as a frame portion of the picture and an upper portion, folded over in an opposing relationship to the central portion, functioning as a clip member for the picture frame. A picture is selectively positioned between the upper portion and the central portion. The upper portion further includes opposed inwardly directed arcs providing access for an individual's fingers to adjust the picture so as to properly position it within the frame.

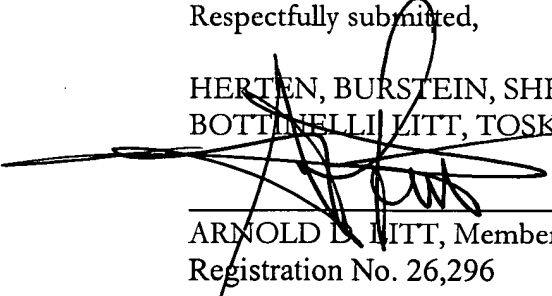
As discussed above, Vargish discloses no such structure and the Examiner attempts to remedy this deficiency by citing McClaughry. McClaughry does disclose recessed sections 8 to facilitate grasping the ends of a card 9 by the fingers of an operator. However this structure is disclosed within a cardholder and is not disclosed within a picture frame as claimed. Given the fact that McClaughry is concerned with the provision of a cardholder and has nothing to do with a picture frame as claimed or disclosed by Vargish, it is Applicant's opinion that McClaughry is non-analogous prior art and the combination of McClaughry with Vargish is unforeseen in the prior art. As such, it is Applicant's opinion that the combination proposed by the Examiner is improper and Applicant respectfully requests that the rejection be withdrawn.

With regard to claims 24 and 25, they further define the one-piece construction of the support member and the ornamentation as claimed. As discussed above, nothing in the prior art discloses the one-piece construction and/or the ornamentation and these claims are also believed to overcome the prior art of record.

It is believed that this case is in condition for allowance and reconsideration thereof and early issuance is respectfully requested. If it is felt that an interview would expedite prosecution of this application, please do not hesitate to contact applicants' representative at the below number.

Respectfully submitted,

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